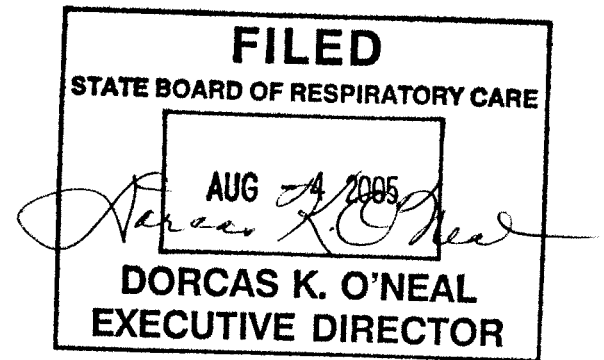


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE)
APPLICATION OF:)

Administrative Action

HELEN McKINSTRY)
LICENSE NO.)
43ZA003014)

CONSENT ORDER
FOR REINSTATEMENT
OF LICENSURE

FOR REINSTATEMENT OF)
LICENSURE TO PRACTICE)
RESPIRATORY CARE IN THE)
STATE OF NEW JERSEY)

This matter was opened to the New Jersey State Board of Respiratory Care (Board) upon receipt of an application for reinstatement by Ms. McKinstry for reinstatement of her respiratory care license that had expired on March 31, 2004. Ms. McKinstry appeared before the Board on February 1, 2005 for an investigative inquiry. As a result of Ms. McKinstry's testimony at the investigative inquiry the Board requested that she be evaluated by Dr. David Gallina, M.D. Ms. McKinstry was evaluated by Dr. Gallina on May 10, 2005. As a result of the Board reviewing Dr. Gallina's report and Ms. McKinstry's February 1, 2005 testimony, the Board

has found that Ms. McKinstry has the ability to practice respiratory care, that Dr. Gallina supports her reinstatement based on certain conditions which are set forth herein and Ms. McKinstry represented to the Board that she is willing to comply with the conditions set forth in this Order.

The parties being desirous of resolving this matter, and the Board finding that the within Consent Order is adequately protective of the public interest;

IT IS ON THIS *3rd* *August* DAY OF JULY, 2005,

HEREBY ORDERED THAT:

1. Prior to reinstatement, Ms. McKinstry must undergo random urine monitoring, at least once in one month, to begin after the June 21, 2005 Board meeting. If the test is negative for alcohol and controlled drugs, Ms. McKinstry's license shall be reinstated by the Board and the remaining provisions of this Consent Order will be effective.

2. Ms. McKinstry shall refrain from using any alcohol and all controlled substances or potentially addictive substances except as duly prescribed by a treating health care practitioner. Ms. McKinstry shall advise all of her treating health care practitioners, who prescribe medications, of her alcohol abuse history. Ms. McKinstry shall report any such use to the Board in writing within five (5) days of receiving such a prescription together with the name of the prescribing physician/dentist/advanced practice nurse or other authorized prescriber and the reason for its use.

3. Ms. McKinstry shall undergo random urine monitoring, testing for alcohol and controlled drugs, at a minimum of twice per month for the first six months after her return to practice, then a minimum of once per month for the rest of the first year after her return to practice. At the conclusion of one year of random urine monitoring, described above, monthly screens will be continued until

the Board approves a reduction or discontinuance of screens.

4. Ms. McKinstry shall be treated by a psycho-therapist or psychologist a minimum of once per week to begin within sixty (60) days of her return to practice, continuing for at least one year, and continuing until the Board approves a reduction or discontinuance. Ms. McKinstry shall provide her psycho-therapist or psychologist with a copy of this Order and shall cause her psycho-therapist or psychologist to acknowledge in writing that he/she has received a copy of this Order. Ms. McKinstry hereby authorizes, and shall make reasonable good faith efforts to cause her psycho-therapist or psychologist to provide a written report to the Board every ninety (90) days stating the nature of her progress in refraining from the use of alcohol and controlled substances. Ms. McKinstry further authorizes her psycho-therapist or psychologist to notify the Board immediately upon receipt of any information that she has ingested any alcohol or controlled substances or potentially addictive substances other than those duly prescribed for her. Ms. McKinstry shall provide the appropriate releases to her psycho-therapist or psychologist to fulfill the requirements of this Order.

5. Ms. McKinstry shall be responsible to ensure that Alltests International, LLC and any other urine screening agency, preapproved by the Board, that she utilizes as a result of this Consent Order shall supply copies of all urine monitoring test reports (testing for alcohol and controlled drugs) every month beginning on the "filed" date of this Order to the Board.

6. Ms. McKinstry expressly waives any claim to privilege or confidentiality that she may have concerning reports and disclosures to the Board, and use by the Board of that information in license proceedings regarding her, including reports and disclosures by the urine monitoring program, or any other person or entity involved in her rehabilitation program.

7. Ms. McKinstry must attend a minimum of two Alcohol Anonymous (AA) meetings per week for a minimum of one year from the date of this Order. She must provide to the Board in writing proof of her attendance at these meetings on a quarterly basis. Ms. McKinstry must obtain an AA sponsor for a minimum of one year from the date of

this Order. Ms. McKinstry may request to the Board in writing a reduction or discontinuance of this provision after the one year time requirement has expired.

8. Ms. McKinstry shall notify a responsible official or his/her successor(both approved in advance by the Board) at her place of employment, at each and every facility at which she plans to practice respiratory care, that she has entered into this Order. Ms. McKinstry shall provide a copy of this Order to that designated member of the staff of her employer. Such individual shall be in contact with Ms. McKinstry on a weekly basis at work and Ms. McKinstry by her signature on this document authorizes each such responsible official to notify the Board immediately (within 24 hours) orally and in writing, at the Board office at 973-504-6485 located at 124 Halsey Street, Newark, New Jersey 07101, of any behavior or conduct suggestive of alcohol or substance abuse or behavior indicative of violation of the laws regarding controlled substances or in violation of this Order. Ms. McKinstry shall provide the Board with the identity, address and qualifications of the individual(s) to whom she has provided the notice required by this paragraph. This paragraph shall apply for one year from the date Ms. McKinstry returns to the practice of Respiratory Care.

9. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Ms. McKinstry.

10. Ms. McKinstry hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Ms. McKinstry has failed to comply with any of the conditions set forth above, any other provision of this Order, or any report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of abuse of alcohol or abuse of controlled substances.

11. Ms. McKinstry shall have the right to apply for removal of the automatic suspension on five (5) days' notice but in such event shall be limited to a showing that the urine tested was not hers or was a false positive in the case of urine testing, or that other information submitted was false.

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Deborah Richard Pinto

873-538-5635

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ATTY GEN/DIV OF LAW Fax:973-

12. This Order is effective upon its filing with the Board of Respiratory Care.

STATE BOARD OF RESPIRATORY CARE

By:


Kenneth Capck, President

I have read and understand the within Order and agree to be bound by the terms therein. Consent is hereby given for the board to enter this Order.


Helen McKinstry

12. This Order is effective upon its filing with the Board of Respiratory Care.

STATE BOARD OF RESPIRATORY CARE

By: _____
Kenneth Capek, President

I have read and understand
the within Order and agree
to be bound by the terms
therein. Consent is hereby
given for the Board to enter
this Order.

Helen McKinstry